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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,949	10/10/2001	Ryutaro Oka	Q66636	4803

7590 07/18/2003

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER
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SY, MARIANO ONG

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 07/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/972,949

Applicant(s)

OKA, RYUTARO

Examiner

Mariano Sy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 and 5 is/are rejected:
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 30 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. The amendment filed on June 30, 2003 has been received.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moretti et al.

Re-claim 2 Moretti et al. disclose, as shown in fig. 1-3, a rolling bearing assembly having a temperature sensor 17 built therein, wherein bearing assembly comprises: stationary 1 and rotary 2 bearing rings one positioned inside the other; a sealing member 9, 10 secured to the stationary bearing ring; and the temperature sensor secured to the sealing member for measuring a temperature inside the bearing assembly; wherein the sealing member includes a core metal 10 fitted to the stationary bearing ring, and a sealing device 9 integrated together with the core metal and wherein the temperature sensor is secured to the core metal in contact therewith. However Moretti et al. was silent to disclose the sealing device 9 is made of a rubber or resin. It would have been obvious to one of ordinary skill in the art to have the sealing device of Moretti et al. made of rubber or resin depending upon the size and application of the bearing assembly in order to save cost.

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4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moretti et al. in view of Gomez et al. (U.S. Patent Number 5,833,371).

Re-claim 5 Moretti et al. disclose, as shown in fig. 1-3, wherein the temperature sensor is an electronic sensor, see col. 3, lines 35-36. However Moretti et al. was silent to disclose the temperature sensor is a chip-type laminar thermistor. Gomez et al. teaches the use of thermistor as temperature sensor in col. 1, lines 35-36. It would have been obvious to one of ordinary skill in the art to have merely utilized the known thermistor for use as a temperature sensor into the bearing assembly of Moretti et al., in view of the teaching of Gomez et al., in order to get an accurate reading of the temperature inside the bearing depending upon the type of application, cost, and availability.

5. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Applicant's arguments filed on June 30, 2003 have been fully considered but they are not persuasive.

Examiner maintains the rejection is proper. Applicant argued that Moretti et al. '471 does not teach or suggest the claimed rolling bearing assembly having a sealing member made up of a core metal in which a temperature sensor is secured to the core metal in contact therewith. Moretti et al., as shown in fig. 3, disclosed the temperature

sensor 17 readable as circumferentially secured and in contact with the stationary annular insert (metal core) 10 and mounted to sensor body 16; therefore still readable to the amended independent claim 2.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication should be directed to Mariano Sy at telephone number 703-308-3427.

*msy* M. Sy

July 17, 2003

*M. C. Graham*  
7/17/2003

**MATTHEW C. GRAHAM  
PRIMARY EXAMINER  
GROUP 310**